

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8398-8399 and 12415 of 2005

(From the judgement and order dated 19/12/2003 in CW No. 85/2003 & RA No. 130/2004 & CWP No. 1138/2003 of The HIGH COURT OF DELHI AT N. DELHI)

SUPER BAZAR KARAMCHARI DALIT SANGH & ORS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP, directions, intervention, impleadment and directions and impleadment of 70 employees of Super Bazar Co-Operative Store and and office report)

With

SLP(C) No.22640 of 2005

(With appln.(s) for C/delay in refiling SLP and with prayer for interim relief and office report)

Date: 15/03/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. Anoop G. Chaudhary, Sr.Adv.

Mr. Vikram Chand Mahajan, Sr.Adv.

Ms. June Chaudhary, Sr.Adv.

Mr. Sarwa Mitter, Adv.

Ms. Santosh Gupta, Adv.

Mr. Amit gupta, Adv.

For M/S Mitter & Mitter Co.,Adv.

For Respondent(s)

Ms. Monika Garg, Adv.

Ms. Kavita Wadia,Adv.

Mr. Sumit Kumar Khatri, Adv.

Mr. M.K.Verma, Adv.

Mr. Anis Ahmed Khan ,Adv

Mr. D.N. Goburdhan ,Adv

Ms. Pinky Anand, Adv.

Mr. Vishnu B.Saharya, Adv.

For M/S Saharya & Co. ,Adv

...2-

-2-

Mr. K.K.Tyagi, Adv.

Mr. Iftekhar Ahmad, Adv.

Mr. P. Narasimhan ,Adv

Mr. Rakesh K. Khanna, Sr.Adv.

Dr. Rashmi Khanna, Adv.

Mr. Surya Kant, Adv.

Ms. Jhanavi Wohra, Adv.

Ms. Shailja Sinha, Adv.

Mr. Neeraj Sharma, Adv.

Mr. Soli J. Sorabjee, Sr.Adv.

Mr. R.Chandrachud, Adv.

Mr. K.R. Sasiprabhu ,Adv

Mr. Ravindra Kumar ,Adv

Mr. A.Sharan, ASG

Mr. S.Wasim A.Qadri, Adv.

Mr. V.K.Verma, Adv.

Mr. G.Prakash, Adv.

Mr. Ranjit Kumar, Sr.Adv.

Mr. Vivek Singh, Av.

Mr. Tanveer Ahmed Mir, Adv

Mr. Rajesh Ranjan, Adv.

Mr. Atin Rastogi, Adv.

Mr. Shiv Kant, Adv.

Dr. Kailash Chand ,Adv

Mr. Ajay Thakur, Adv.

Mr. Shree Prakash Sinha, Adv.

Mr. C.D. Singh ,Adv

Dr. Kailash Chand, Adv.

Ms. Jyoti Mendiratta, Adv.

For appellant in

I.A.No. 28

Mr. K.K.Tyagi, Adv.

Mr. Iftekhhar Ahmad, Adv.

Mr. R.S.Chauhan, Adv.

Mr. P.Narasimhan, Adv.

For Intervenors

Mr. Mohit Chaudhary, Adv.

Ms. Pooja Sharma, Adv.

Mr. Manish Jain, Adv.

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-3-

UPON hearing Counsel, the Court made the following

O R D E R

Mr. Soli J. Sorabjee, learned senior counsel appearing on behalf of

the Reliance Industries submits that in view of the affidavit of the

Government that the amendments sought for cannot be made with a view

to permit M/s Reliance Industries to make investment without being a

Multi State Cooperative Society, M/s Reliance Industries may be permitted

to withdraw the amount deposited with the official liquidator on 8th June,

2006 pursuant to order of this Court as earnest money. We accept the

prayer and direct that the amount deposited by the Reliance Industries as

earnest money pursuant to this Court's order be refunded to Reliance

Industries.

We also discussed in some detail in the course of hearing the offer

of IPL and ILC. Counsel for these two bodies submitted before us that so

far as the funds required for rehabilitation of the Super Bazar are concerned, they will be able to provide the same from their own internal resources and are not dependent on borrowing from outside resources. However, our notice was drawn to Sections 33 and 67 of the Multi State Cooperative Societies Act, 2002 as well as Sections 122 and 123 thereof and it was submitted that depending on the interpretation which is put on the aforesaid provisions, it may be possible to work out the scheme without the amendment of the aforesaid provisions. In particular, emphasise was laid on the enabling provisions of Sections 122 and 123 vesting powers in the Central Government to issue directions.

-4-

Having regard to the submissions urged before us it will be advisable in the first instance for the counsel appearing for the IPL and ILC and the learned Additional Solicitor General appearing on behalf of the Union of India to have a discussion with regard to the modalities, and if necessary, to consult the Registrar of the Cooperative Societies concerned as well, so that a clear picture emerges as to the modalities to be employed

for reviving the Super Bazar. We are told that they shall immediately discuss the matter and inform this Court next week as to the steps to be taken, if any, for the framing of a scheme requiring investments to be made for revival of the Super Bazar.

We have made it clear to the applicants that so far as the dues of the workers and the dues of the suppliers (subject to verification) are concerned, the same shall be deposited in this Court for disbursement.

Put up on 21st March, 2007.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master